

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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DEC 15 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

VILLAGE OF BUDA,  
BUDA, ILLINOIS,

Petitioner,

v.

No. T05-0020

STATE OF ILLINOIS DEPARTMENT  
OF TRANSPORTATION, and  
BURLINGTON NORTHERN SANTA FE  
RAILROAD COMPANY,

Respondents.

Petition for supplemental order for extension)  
of time to replace the grade separation )  
structure situated over BNSF's tracks )  
located approximately 1200' East of IL Rt. )  
40 at railroad milepost 116.92 in Buda, )  
Bureau County, Illinois. )

**PETITION FOR SUPPLEMENTAL ORDER EXTENDING TIME**

The Village of Buda by and through its attorney, Daniel F. Tracy, hereby petitions the Illinois Commerce Commission ("Commission") for authority to extend the time to replace the grade separation structure ("bridge") situated over the Railroad tracks of the BNSF ("Railroad") approximately 1200' East of Illinois Route 40 at Railroad milepost 116.92 in Buda, Bureau County, Illinois, and in support of the petition to extend the time the Village states as follows:

1. That on September 14, 2005 the Commission entered an Order and on page 4 of that Order the Commission stated as follows:

DOCKETED

DEC 15 2006

“IT IS FURTHER ORDERED that the Village of Buda is and it is hereby, required and directed to proceed immediately in performing the work set forth hereinabove and shall complete the work within eighteen (18) months from the date of this Order.”

2. That said eighteen (18) month period will run on March 14, 2007.
3. That the letting date for the Buda High Street bridge replacement was April 28, 2006.
4. That the contract for the replacement of the Buda High Street bridge was awarded on June 12, 2006.
5. That the pre-job meeting for the bridge replacement took place on June 26, 2006 and anticipated the beginning of work as soon as possible.
6. That the BNSF Railroad did not sign the overpass agreement until September 18, 2006.
7. That the contractor officially began work on October 4, 2006.
8. That using all of the working days allowed under the contract (125) the project would not be completed until October 17, 2007.
9. That the project is on schedule at this time with 34 working days charged.
10. That the Village of Buda, by its project engineer, has notified the Commission's Rail Safety Program Administrator prior to submitting this petition.

WHEREFORE, the Village of Buda prays that the Illinois Commerce Commission enter a Supplemental Order, *without hearing*, in which it authorizes the extension of time for the replacement of the grade separation structure situated over the Railroad tracks located

approximately 1200' East of Illinois Route 40 at Railroad milepost 116.92 in Buda, Bureau  
County, Illinois through October 17, 2007.

Respectfully submitted,  
Village of Buda

DATE: December 11, 2006

BY:

Daniel F. Tracy  
Daniel F. Tracy, Village Attorney

Angel, Isaacson & Tracy  
111 Park Avenue East  
Princeton, IL 61356  
815-875-6551

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

VILLAGE OF BUDA,	)	
BUDA, ILLINOIS,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. T05-0020
	)	
STATE OF ILLINOIS DEPARTMENT	)	
OF TRANSPORTATION, and	)	
BURLINGTON NORTHERN SANTA FE	)	
RAILROAD COMPANY,	)	
	)	
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located approximately 1200' East of IL Rt.	)	
40 at railroad milepost 116.92 in Buda,	)	
Bureau County, Illinois.	)	

**NOTICE OF FILING**

TO: Burlington Northern and Santa Fe Railway Company, CT Corporation System,  
208 S. LaSalle St., Chicago, IL 60604

Mr. W. Douglas Werner, Burlington Northern and Santa Fe Railway Company,  
P.O. Box 961039, Fort Worth, TX 76161-0039

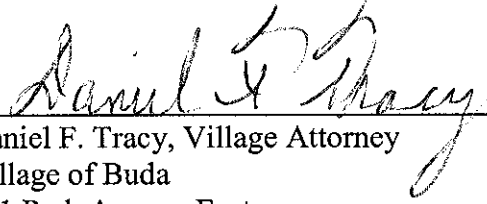
Mr. Michael L. Sazdanoff, Kenneth J. Wysoglad & Associates, 118 S. Clinton St.,  
Suite 700, Chicago, IL 60661

Mr. Jason Nelson, Illinois Department of Transportation, Division of Local Roads, 819  
Depot Ave., Dixon, IL 61021

Mr. Thomas M. Benson, Special Assistant Attorney General, Counsel for the Illinois  
Department of Transportation, 2300 S. Dirksen Parkway, Room 311, Springfield, IL  
62764

PLEASE TAKE NOTICE that I have this 11<sup>th</sup> day of December, 2006 forwarded to  
Mr. Dave Lazarides, Acting Director of Processing, Illinois Commerce Commission, 527 East

Capitol Ave., Springfield, Illinois 62701, for filing in the above matter, the Village of Buda's Petition for Supplemental Order Extending Time, a copy of which is attached hereto and hereby served upon you.

A handwritten signature in cursive script, reading "Daniel F. Tracy", is written over a horizontal line.

Daniel F. Tracy, Village Attorney  
Village of Buda  
111 Park Avenue East  
Princeton, IL 61356  
815-875-6551

## PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressee listed below by sending a true and correct copy via certified mail return receipt requested from 111 Park Avenue East, Princeton, IL 61356 this 11<sup>th</sup> day of December, 2006.

Burlington Northern and Santa Fe  
Railway Company  
CT Corporation System  
208 S. LaSalle St.  
Chicago, IL 60604

Mr. W. Douglas Werner  
Burlington Northern and Santa Fe  
Railway Company  
P.O. Box 961039  
Fort Worth, TX 76161-0039

Mr. Michael L. Sazdanoff  
Kenneth J. Wysoglad & Associates  
118 S. Clinton St., Suite 700  
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Mr. Jason Nelson  
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Division of Local Roads  
819 Depot Ave.  
Dixon, IL 61021

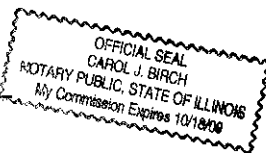
Mr. Thomas M. Benson  
Special Assistant Attorney General  
Counsel for the Illinois Department of Transportation  
2300 S. Dirksen Parkway, Room 311  
Springfield, IL 62764

Amy B Peterson

Subscribed and sworn to before me  
this 11 day of December, 2006.

Carol J. Birch

Notary Public



Angel, Isaacson & Tracy  
111 Park Avenue East  
Princeton, IL 61356  
815-875-6551